

Crawley Borough Council

Cabinet

Supplementary Agenda

Wednesday, 6 July 2022



Chief Executive

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7 Public Spaces Protection Order - Keep your dog on a lead in Tilgate Park	3 - 14
<i>Wellbeing Portfolio</i>	
To consider report HCS/41a the Head of Community Services, which contains further information to the previously published report	

NOTE: The Chair has agreed that, although this report and information was not available for at least five clear days before the meeting, there are special circumstances justifying its urgent consideration.



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Agenda Item 7

**Further information regarding the Public Spaces Protection Order –
Keep your dog on a lead in Tilgate Park
HCS/41a**

Attached to this report HCS/41a is an Appendix A which contains Option X that details a revised restricted area for the proposed PSPO. The new proposed plan shows the restricted area covering the main lake, Peace Garden and lawn area and golf course only. Appendix B is a revised updated draft PSPO order.

Proposed Amendment to the Recommendation 2.2.



- a) Request that Full Council make a PSPO as set out in Appendix B of report HCS/41a, with the restricted area covering main lake, Peace Garden and lawn area and golf course within Tilgate Park, as shown in the plan at Appendix A of report HCS/41a
- b) Resolve that the level for Fixed Penalty Notices which may be issued for a breach of the PSPO (in the event that Full Council makes the PSPO in the form of the draft at Appendix B of this report, HCS/41a) be set at £100.

Also included at Appendix C is a document containing a number of advanced questions relating to the PSPO – Keep your dog on a lead in Tilgate Park raised by Cllr Tina Belben – Chair of the Overview & Scrutiny Commission, along with the responses by Cllr Chris Mullins – Portfolio Holder for Wellbeing

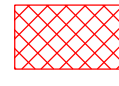
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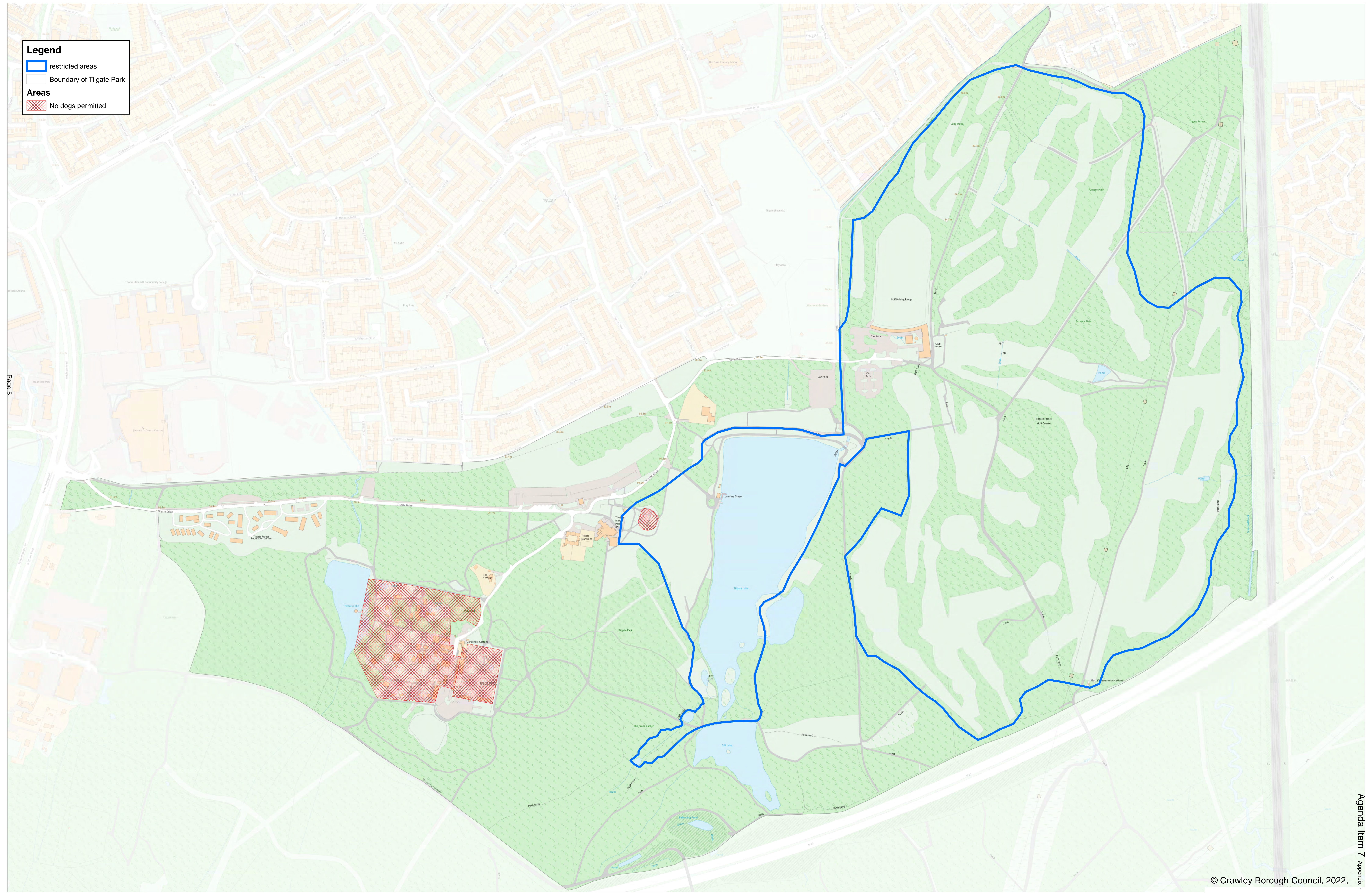
Tilgate Park - PSPO restricted area Option X

Legend

-  restricted areas
-  Boundary of Tilgate Park

Areas

-  No dogs permitted



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Advanced Questions relating to the PSPO – Keep your dog on a lead in Tilgate Park raised by Cllr Tina Belben – Chair of the Overview & Scrutiny Commission and responses by Cllr Chris Mullins – Portfolio Holder for Wellbeing

Qu 1) Have considered what other councils are doing regarding this . I know Horsham's Southwater Park, similar size to Tilgate, is strict ALL dogs on leads April to September but Banstead / Tandridge and Mid Sussex both have PSPO whereby Dogs owners have to put on a lead if requested by authorised official . Walthamstow have one area in their Lloyd park where dogs are allowed off lead for No Charge whatsoever .

Ans 1) A PSPO is specific to each individual area aimed at addressing concerns highlighted at a local level, each District and Borough would have their own reasons for introducing a PSPO or additional measures as necessary. Some research was undertaken in the early stages regarding the wording of a PSPO where it became apparent that responses varied greatly dependant on the challenges being faced.

Qu 2) Which brings me on to option 4 this is your preferred option . Does this implied that dogs can be exercised off leads in the woods and THAT it will not be a formal Hound Pound that has a Charge for its access.

Ans 2) Outside of the restricted area, dogs can be exercised off lead. There will still be a hound ground that people can pay to use, this is aimed at those who want/need to exercise their dog off lead but in a secure area, with exclusive use.

Qu 3) Have we given the managers of the golf course enough time to reply as their stance on this could be interesting for Members to know before deciding what the Commission thinks is the best option to recommend to Cabinet.

Ans 3) The golf course were sent a letter via email regarding the proposed PSPO and consultation. The following statement has been received from Glendale's General Manager at Tilgate Golf Club;

Thank you for your email. As we discussed our position is based on two factors which are the overall safety of both players and the wider public and secondly the playing experience of our customers.

The issue of dogs being off the leads clearly does impact on both of the above whilst on the playable areas of the course. We do however not have any reason to take issue with dogs off leads on the perimeter pathways as these are a sufficient distance away from any possible danger from golfing activities.

I hope this clarifies our position.

Qu 4) Does 5.7 contain all the consultation dataas I have had members query this.

Ans 4) Yes, a copy of the consultation can be provided, if required.

Qu 5) The statistics are also vital about the numbers of incidents but perhaps be good to know are these rising ?and How our numbers compare to national stats ?

Ans 5) In 2021 there were 10 formal reports involving dogs off leads in Tilgate Park. Between 2018 – 2021 there were 22 dog related reports made to Sussex Police. The severity of each incident is an important consideration regarding the proposal, alongside the actual number of reports.

Qu 6) Did we set up a web link where residents can easily report incidents as recommended by OSC in January?

Ans 6) A 'report it' function specifically relating to the PSPO will be investigated if the PSPO is introduced. Current dog related activity is reported directly to the Community Wardens and residents are also encouraged to report such incidents to Sussex Police and are provided with the relevant information at such time.

Qu 7) What was the response from the Police over the proposed PSPO?

Ans 7) Sussex PCC response – *this was considered and there were no issues.*

Sussex Police response – *Nothing further to feedback*

CRAWLEY BOROUGH COUNCIL
ANTI SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014, SECTION 59

Draft Dog Control (Tilgate Park) Public Spaces Protection Order No. 1 of 2022 (“Order”)

PUBLIC SPACES PROTECTION ORDER

This order is made by Crawley Borough Council (the “Council”) and shall be known as the Dog Control (Tilgate Park) Public Spaces Order No. 1 of 2022.

PRELIMINARY

1. The Council, in making this Order is satisfied on reasonable grounds that:
 - 1.1 The activities identified below have been carried out in public places within the Council’s area and have had a detrimental effect on the quality of life of those in the locality, and
 - 1.2 That the effect, or likely effect, of the activities:
 - (a) is, or is likely to be, of a persistent or continuing nature,
 - (b) is, or is likely to be, such as to make the activities unreasonable, and
 - (c) justifies the restrictions imposed by the notice.
2. The Council is satisfied that the prohibitions and requirements imposed by this Order are reasonable to impose in order to prevent the detrimental effect of these activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
3. The Council has had regard to the rights and freedoms set out in the European Convention on Human Rights. The Council has had particular regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the European Convention on Human Rights and has concluded that the restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.

DEFINITIONS

4. In this Order:

- 4.1 “authorised officer” means a police officer, a police community support officer (PSCO), a Council officer and any person authorised by the Council to enforce this Order.
- 4.2 “lead” means any rope, cord, leash, or similar item used to tether, control or restrain a dog but does not include any such item which is not actively used as a means of restraint or control of the dog.
- 4.3 “person in charge of a dog” means the person aged 18 years or older who has the dog in their possession, care or company or, if none, the owner or person who habitually has the dog in their possession.
- 4.4 “prescribed charity” shall mean any of the following charities:
 - (a) Dogs for the Disabled (registered charity number 700454);
 - (b) Support Dogs (registered charity number 1088281);
 - (c) Canine Partners for Independence (registered charity number 803680);
 - (d) Dog A.I.D. (registered charity number 1098619);
 - (e) Dogs for Good (registered charity number 1092960);
 - (f) Guide Dogs (registered charity number 209617); and
 - (g) Hearing Dogs for Deaf People (registered charity number 293358).
 - (h) any charity created after this Order which trains dogs to assist persons with any disability affecting their mobility, manual dexterity, physical coordination, or ability to lift, carry or otherwise move everyday objects.
- 4.5 “public place” means any place to which the public or any section of the public has access.
- 4.6 “restricted area” has the meaning given by section 59(4) of the Anti-Social Behaviour, Crime and Policing Act 2014 and for the purposes of

this Order includes all public places within the area shown delineated by the blue line on the plan Schedule 1 to this Order.

THE ACTIVITIES

5. The activities are the inadequate and/or poor exercise of control of a dog by a person such that the dog causes nuisance, alarm and/or distress to other persons and/or animals.

THE PROHIBITIONS

6. Subject to the exceptions stated below, a person in charge of a dog within the restricted area shall not at any time take the dog into, nor shall they allow the dog to enter or remain, in the area hatched in red on the plan in Schedule 1 to this Order, such area being the children's playground.

THE REQUIREMENTS

7. Subject to the exceptions stated below, a person in charge of a dog within the restricted area shall at all times keep the dog on a lead of not more than 2.0 metres in length.
8. Subject to the exceptions stated below, a person in charge of a dog within the restricted area shall provide, when asked by an authorised officer, their name and address to that authorised officer.
9. Subject to the exceptions stated below, a person in charge of a dog within the restricted area must at all times immediately comply with a direction given to them by an authorised officer to put and keep the dog on a lead.

THE EXCEPTIONS

10. The prohibition in paragraph 6 and the requirements in paragraphs 7, 8 and 9 do not apply to any person who:
 - 10.1 is registered as a blind person in a register compiled under section of the National Assistance Act 1949; or
 - 10.2 is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which that person relies for assistance; or

- 10.3 has a disability which affects his/her mobility, manual dexterity, physical coordination, or ability to lift, carry or otherwise move everyday objects, and who is in control of a dog trained by a prescribed charity upon which that person relies for assistance.
11. The prohibition in paragraph 6 and the requirements in paragraphs 7, 8 and 9 do not apply to any person in control of a dog on official duty for a recognised law enforcement body (such as a police dog handler).
12. The requirements in paragraphs 7, 8 and 9 do not apply to any person in charge of a dog whilst both they and the dog are within any completely fenced off area which the Council may in future designate for the purpose of dog activity and which is clearly marked as such by signage erected by the Council thereon.

PERIOD FOR WHICH THIS ORDER HAS EFFECT

13. This Order will come into force at midnight on 1 August 2022 and will expire at midnight on 31 July 2025.
14. At any point before the expiry of this three year period the Council can extend the Order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the Order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?

Section 67 of the Anti-Social Behaviour Crime and Policing Act 2014 says that it is a criminal offence for a person without reasonable excuse –

(a) to do anything that the person is prohibited from doing by a public spaces protection order, or

(b) to fail to comply with a requirement to which the person is subject under a public spaces protection order

A person guilty of an offence under section 67 is liable on conviction in the Magistrates' Court to a fine not exceeding level 3 on the standard scale.

FIXED PENALTY

A constable, police community support officer or authorised Council officer may issue a fixed penalty notice to anyone they believe has committed an offence under section

67 of the Anti- Social Behaviour, Crime and Policing Act. You will have 14 days to pay the fixed penalty of £100. If you pay the fixed penalty within the 14 days you will not be prosecuted.

APPEALS

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.

Interested persons can challenge the validity of this order on two grounds: that the Council did not have power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation has not been complied with.

When an application is made the High Court can decide to suspend the operation of the order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the order, quash it, or vary it.

Section 67 Anti-Social Behaviour Crime and Policing Act 2014

- (1) It is an offence for a person without reasonable excuse-
 - (a) To do anything that the person is prohibited from doing by a public spaces protection order, or
 - (b) To fail to comply with a requirement to which a person is subject under a public spaces protection order.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.

The COMMON SEAL of CRAWLEY)
BOROUGH COUNCIL was hereunto)
affixed the day of)
in the presence of:)